

1 "I DO NOT DO DRUGS". SHE ALSO SAID SHE NEVER HAD ANYTHING LIKE
2 THIS HAPPEN BEFORE.

3 MS. FALK: I'LL FOLLOW-UP WITH THAT.

4 BY MS. WANG:

5 Q. HAVE YOU EVER BEEN IN A SUBSTANCE ABUSE TREATMENT PROGRAM?

6 A. YES.

7 MS. WANG: NOTHING FURTHER.

8 REDIRECT EXAMINATION

9 BY MS. FALK:

10 Q. MISS MAYS, WHEN YOU WERE SAYING NOTHING LIKE THIS HAD EVER
11 HAPPENED TO YOU BEFORE, CAN YOU BE A LITTLE MORE SPECIFIC?

12 A. I HAVE NEVER BEEN CHARGED WITH A DRUG CHARGE. THAT'S WHAT
13 I MEANT. HAVING MY CAR SEARCHED, OR BEING STRIP SEARCHED.

14 I DIDN'T GO INTO THAT BECAUSE I FELT IT WAS IRRELEVANT.

15 BY MS. FALK:

16 Q. IN OTHER WORDS, THIS EVEN T WAS NOT A BLIP ON ON THE RADAR
17 SCFREEN FOR YOU.

18 A. RIGHT. I HAVE SIX YEARS CLEAN AND SOBER.

19 Q. SO YOU WERE STRIP SEARCHED?

20 A. YES.

21 Q. WHEN YOU SAY THAT NOTHING LIKE THIS HAD EVER HAPPEND TO ME
22 BEFORE IN A FAIRLY DRAMATIC FASHION, IS THAT INCLUDED IN YOUR
23 CALCULUS OF "THIS"?

24 A. I'VE NEVER BEEN STRIP SEARCHED BEFORE. I NEVER HAVE. I
25 MEAN, THAT WAS -- IT WAS TERRIBLY HUMILIATING.

1 Q. YOU'RE REFERRING TO THE WHOLE INCIDENT?

2 A. YES, COMPLETELY.

3 THE COURT: I THINK THAT CLARIFIES IT.

4 RE-CROSS EXAMINATION

5 BY MS. WANG:

6 Q. MISS MAYS, WHEN YOU WERE STRIP SEARCHED, WAS THAT BY A
7 FEMALE OFFICER?

8 A. YES, BUT THE FEMALE LEFT THE DOOR OPEN AND THERE WERE TWO
9 MALE OFFICERS STANDING THERE.

10 THE COURT: I THINK IT'S REALLY IRRELEVANT. IT MIGHT
11 BE THE BASIS OF A CIVIL QUESTION, BUT IT'S NOT RELEVANT TO THIS
12 ISSUE.

13 MS. WANG: NO FURTHER QUESTIONS?

14 THE COURT: ALL RIGHT. ANYTHING FURTHER?

15 MS. FALK: NOTHING.

16 THE COURT: ARE YOU DONE? DID YOU NEED TO RECALL THE
17 OFFICER?

18 MS. WANG: I DON'T BELIEVE SO. I HAVE AN ISSUE WITH
19 THE EXHIBIT THAT THAT MISS BENZON DREW. I THINK THAT WAS
20 ADMITTED INTO EVIDENCE. AND THEN SHE TESTIFIED TO ON CROSS THAT
21 SHE WASN'T SURE AND JUST GUESSING ABOUT THAT DIAGRAM. WE OBJECT
22 TO THAT BEING ADMITTED.

23 MS. FALK: MISS BENZON'S TESTIMONY WAS SHE WASN'T SURE
24 ABOUT THE APPROACH, BUT QUITE SURE WHERE THE OFFICER'S CAR WAS
25 LEFT.

1 THE COURT: IT WILL REMAIN ADMITTED AT THIS TIME,
2 ADMITTED FOR WHAT IT'S WORTH. THE ONE THING I DON'T THINK WAS
3 CLEAR IS ON THE OFFICER'S TESTIMONY, WHAT HE EXACTLY SAID HE WAS
4 WEARING AND SAID HE WASN'T WEARING EXACTLY WHAT HE WAS WEARING
5 TODAY.

6 THOMAS JAMES HART,
7 WAS PREVIOUSLY SWORN AND RECALLED BY THE GOVERNMENT, TESTIFIED
8 FURTHER AS FOLLOWS:

9 THE COURT I GUESS EXACTLY WHAT THE VEHICLE HE CLAIMS
10 HE DRIVING. THAT'S IT.

11 EXAMINATION

12 BY MS. WANG:

13 Q. WHAT WERE YOU WEARING ON MARCH 18, 2007?

14 A. I WAS WEARING THE UNITED STATES PARK POLICE CLASS A
15 UNIFORM. IT'S BLACK TROUSERS WITH A BLUE STRIPE, SIMILAR TO THE
16 PANTS I HAVE ON, AND A SHIRT, BUTTON DOWN SHIRT, BABY BLUE,
17 SHORT SLEEVE SHIRT, A PATCH ON ONE SIDE, THIS SIDE. THE
18 CHEVRONS BADGE AND A NAME PLATE AND, AGAIN, IT'S LIKE A ROBIN
19 EGG BLUE.

20 Q. WHAT VEHICLE WERE YOU DRIVING?

21 A. I HAVE A CHEVY IMPALA. IT'S A MARKED UNITED STATES PARK
22 POLICE VEHICLE. IT HAS WHAT IS REFERRED TO AS A SLICK TOP. IT
23 DOES NOT HAVE ANY LIGHT BARS ON TOP. THE BARS ARE ON THE GRILL.

24 Q. IS THAT AN SUV?

25 A. NO. FOUR-DOOR SEDAN.

1 Q. WHAT COLOR?

2 A. WHITE WITH BLUE PINSTRIPING.

3 THE COURT: OKAY. THE MARK OF THE PARK POLICE IS
4 WHERE?

5 THE WITNESS: ON BOTH DOORS, ON BOTH THE FRONT DRIVER'S
6 DOOR AND FRONT PASSENGER DOORS. THERE AS LARGE EMBLEM, PARK
7 POLICE, MAYBE EIGHT INCHES HIGH BY 12 INCHES WIDE, AND THEN OUR
8 UNIFORM STRIPE GOES FROM THE FRONT, ALONG THE FRONTS QUARTER
9 PANEL ON BOTH SIDES OF THE VEHICLE, ALL THE WAY DOWN TO THE REAR
10 QUARTER PANEL OF THE BUMPER, AND THERE IS ALSO AN EMBLEM BACK OF
11 THE TRUNK AREA, AND IT SAYS UNITED STATES PARK POLICE.

12 THE COURT: OKAY.

13 MS. WANG: NOTHING FURTHER.

14 THE COURT: ANY FURTHER QUESTIONS?

15 THOMAS JAMES HART,
16 HAVING BEEN PREVIOUSLY SWORN, WAS RECALLED TO THE STAND AND
17 TESTIFIED FURTHER AS FOLLOWS:

18 EXAMINATION

19 BY MS. FALK:

20 Q. OFFICER, SERGEANT HART, HOW DO YOU REMEMBER WHAT YOU WERE
21 WEARING THAT DAY?

22 A. I CAN RECALL, BUT THAT'S MY STANDARD UNIFORM. IT'S A
23 WEATHER RELATED UNIFORM, AND AS WORK SUPERVISOR, THAT'S MY
24 STANDARD UNIFORM.

25 Q. ISN 'T THERE ALSO UNIFORMS THAT HAVE POLO SHIRTS AND SHORTS

1 FOR THE PARK POLICE?

2 A. YES.

3 Q. IS THAT A STANDARD UNIFORM WITH A WHITE POLO SHIRT AND
4 SHORTS?

5 A. NOT A WHITE POLO SHIRT. BLUE POLO SHIRT. THOSE ARE
6 LIMITED TO BICYCLE PATROL, AND I WAS NOT A BICYCLE PATROL.

7 Q. HAVE YOU WORN A POLO SHIRT?

8 A. OF COURSE.

9 Q. HAE YOU EVER WORN ONE RECENTLY WHILE ON PATROL?

10 A. NO.

11 Q. WHEN IS THE LAST TIME YOU WORE ONE?

12 A. AGAIN, WHEN I WAS ON BICYCLE PATROL. APPROXIMATELY 10
13 YEARS GO.

14 Q. SO YOU DON'T SPECIFICALLY REMEMBER WHAT YOU WERE WEARING
15 THAT DAY, BUT YOU'RE SAYING THAT WAS YOUR COURSE AND PRACTICE?

16 A. YES.

17 MS. FALK: NOTHING FURTHER.

18 THE COURT: ANYTHING FURTHER?

19 MS. WANG: NOTHING.

20 THE COURT: YOU MAY STEP DOWN.

21 YOU KNOW, I DON'T HAVE A STRONG FEELING ABOUT WHETHER
22 IT'S WORTH FURTHER BRIEFING ABOUT THE QUESTION I ASKED. IF YOU
23 WANT TO PURSUE IT, WE HAVE TO BRIEF IT. I DON'T THINK THAT'S
24 NECESSARILY IMPORTANT. I DON'T KNOW TO WHAT EXTENT THE BRIEFS
25 ADDRESS THE ISSUE. IF I WERE FOR FIND THAT THERE WAS NOT A

1 FAILURE TO HAVE A FRONT AFFIXED LICENSE PLATE, WHETHER THE
2 SEARCH WOULD NONETHELESS BE LEGAL; BECAUSE, FOR EXAMPLE, IF I
3 WERE TO FIND THERE WERE FURTIVE MOVEMENTS BY THE PASSENGER,
4 FRONT PASSENGER, THAT THEY WERE NERVOUS AND AWARE THAT THE
5 POLICE WERE -- A POLICE WAS COMING AND THAT THERE WAS A PERIOD
6 OF TIME IN WHICH THE OFFICER -- THAT THE CAR WAS NOT BLOCKED, I
7 MEAN, IT COULD MOVE BACKWARDS AT THE VERY LEAST, AND I THINK THE
8 OTHER WITNESSES, OTHER THAN THE DEFENDANT, SAID IT WASN'T
9 BLOCKED OTHER THAN BY THE TREES, BUT IT WASN'T BLOCKED ON THE
10 SIDE EITHER, DEFINITELY NOT ON THE BACK FOR SOME PERIOD OF TIME.
11 NOT SURE. I JUST CAN'T RECALL RIGHT -- THAT WE NEED FURTHER
12 BRIEFING OR NOT.

13 MS. FALK: I THINK THE UNITED STATES' BRIEF -- AND I
14 JUST LOOKED AT THIS LAST NIGHT, MOSTLY ADDRESSES THE FRONT
15 LICENSE PLATE. OUR BRIEF ADDRESSES THE SITUATION AS IF THERE
16 WERE A LICENSE PLATE. I WOULD APPRECIATE AN OPPORTUNITY FOR
17 FURTHER BRIEFING. I WELCOME THE OPPORTUNITY.

18 MS. WANG: THE GOVERNMENT HAS NO OBJECTION TO IT.

19 THE COURT: HOW DO YOU WANT TO DO IT, SIMULTANEOUSLY,
20 IN SOME KIND OF ORDER?

21 MS. FALK: MISS THOMAS AND I HAVE DONE IN OTHER
22 HEARINGS IS REQUESTED AN EXPEDITED TRANSCRIPT AND THEN AFTER
23 THAT TRANSCRIPT IS DELIVERED, I USUALLY FILE WITHIN A WEEK, AND
24 THEN MISS THOMAS FILES THE WEEK AFTER, IF THE COURT IS AMENABLE
25 TO THAT PROCEDURE.

1 THE COURT: THE SOONER THE BETTER, BECAUSE IT'S FRESH
2 IN MY MIND NOW, AND LIKE TO HAVE THAT BRIEFING AS SOON AS
3 POSSIBLE.

4 MS. FALK: WE CAN TRY DO IT WITHOUT A TRANSCRIPT. I
5 JUST DON'T WANT IT TO EVOLVE INTO MISS THOMAS SAYING ONE THING.

6 MS. WANG: I WOULD RATHER HAVE A TRANSCRIPT.

7 THE COURT: I THINK YOU NEED IT. THERE ARE A LOT OF
8 CREDIBILITY ISSUES WHICH I WILL HAVE TO DECIDE, AND THERE ARE
9 INCONSISTENCIES AMONG THE WITNESSES AND EVEN WITHIN SOME OF THE
10 WITNESSES' OWN TESTIMONY, SO I THINK YOU WILL NEED A TRANSCRIPT.
11 SO I GUESS WE'LL JUST HAVE TO -- DO YOU NEED A WHOLE WEEK EACH
12 OF YOU?

13 MS. FALK: WELL, GIVEN THAT TIME OF YEAR, IF I AM GOING
14 TO TRY TO FILE -- YEAH, I THINK I DO, YOUR HONOR. I COULD TRY
15 TO DO IT IN THREE DAYS.

16 THE COURT: ALL RIGHT.

17 MS. FALK: I THINK MISS THOMAS CAN TRY HER HARDEST TO
18 GET IT THREE DAY AFTER MINE.

19 MS. WANG: I THINK A WEEK AFTER YOURS IS PROBABLY WHAT
20 I WOULD HOPE FOR.

21 MS. FALK: THAT'S THE SAME THING I WAS ASKING FOR.

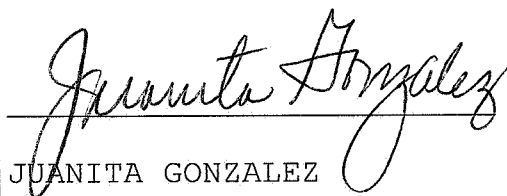
22 THE COURT: ALL RIGHT. GIVE YOU A WEEK. NOT COURT
23 DAYS, BUT IF YOU CAN DO DID IT FASTER. WHEN YOU PROVIDE A
24 TRANSCRIPT, PROVIDE IT TO US AS WELL.

25 THANK YOU. DO IT AS FAST AS YOU CAN. IT'S REALLY

1 DIFFICULT AND IT'S JUST GOING TO GET WORSE AND WORSE, TO MY
2 POINT OF VIEW, SO IT'S A LOT MORE TIME THAN I WOULD LIKE. ALL
3 RIGHT. THANK YOU.

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I CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER.


JUANITA GONZALEZ

CSR NO. 3003